

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-CR-442-GKF

JACE CHRISTIAN WILLIAMS,

Defendant.

**SUPPLEMENTAL RESPONSE TO DEFENDANT’S MOTION FOR
DOWNWARD VARIANCE (DKT #52)**

In his variance request and sentencing pleadings, Defendant frequently refers to the incident in this case as a “fight.” (Dkt #54 at 1). The witnesses to the incident told a different story. For example, Bryce Waybright testified as follows:

Q. Bryce, Mr. Dunn asked you how long a fight lasted. Would you characterize for this jury what you saw happen to Owen as a fight?

A. Absolutely not.

Q. Okay. Explain what you mean when you say “absolutely not.”

A. Owen didn’t have a chance to fight back, to defend himself.

Q. And that’s why you wouldn’t call what you saw a fight?

A. An attack.

Q. I’m sorry. You said an attack?

A. An attack, more or less.

Q. So you're saying an attack would be a more fair characterization of what you saw happen to Owen?

A. Yes.

See Excerpt of testimony of Bryce Waybright, attached hereto as Exhibit A.

Similarly, Emily Wagner testified as follows:

Q. Counsel for defendant asked you whether a fight lasted very long. Did you see a fight out there?

A. No. I seen someone attack another person that didn't have a chance to fight back.

See Excerpt of testimony of Emily Wagner, attached hereto as Exhibit B.

Respectfully submitted,
CLINTON J. JOHNSON
United States Attorney

/s/ Richard M. Cella

Richard M. Cella, TX Bar No. 24078328
Assistant United States Attorney
110 West Seventh Street, Suite 300
Tulsa, Oklahoma 74119
(918) 382-2700

Certificate of Service

I hereby certify that on the 23rd day of June, 2022, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF recipient:

John Dunn
Counsel for Defendant

/s/ Richard M. Cella
Richard M. Cella
Assistant United States Attorney